

## § 12.309

## 10 CFR Ch. I (1–13 Edition)

(1) The expiration of the 120 day period provided in paragraph (a) of this section; or

(2) If within the 120 day period provided in paragraph (a) of this section the Commission elects to review the decision, the Commission's issuance of a final decision on review of the initial decision.

(c) Whether to review a decision on its own motion is a matter within the discretion of the Commission. If review is taken, the Commission will issue a final decision on the application or remand the application to the adjudicative officer for further proceedings.

[59 FR 23121, May 5, 1994, as amended at 77 FR 46599, Aug. 3, 2012]

### § 12.309 Judicial review.

Judicial review of final agency decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

### § 12.310 Payment of award.

An applicant seeking payment of an award shall submit to the appropriate official of the paying agency a copy of the Commission's final decision granting the award, accompanied by a certification that the applicant will not seek review of the decision in the United States courts. Where the award is granted against the Commission, the applicant shall make the submission to the Director, Division of Accounting and Finance, Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, DC 20555. The NRC will pay the amount awarded to the applicant within 60 days.

## PART 13—PROGRAM FRAUD CIVIL REMEDIES

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AUTHORITY: Omnibus Reconciliation Act of 1986, secs. 6101–6104 (31 U.S.C. 3801–3812); Government Paperwork Elimination Act sec. 1704 (44 U.S.C. 3504 note). Sections 13.13(a) and (b) also issued under Pub. L. 101–410, as amended by section 31001(s), Pub. L. 104–134, (28 U.S.C. 2461 note).

SOURCE: 56 FR 47135, Sept. 18, 1991, unless otherwise noted.

### § 13.1 Basis and purpose.

(a) *Basis.* This part implements the Program Fraud Civil Remedies Act of 1986, Public Law No. 99–509, §§ 6101–6104, 100 Stat. 1874 (October 21, 1986) (31 U.S.C. 3801–3812). 31 U.S.C. 3809 requires each authority head to promulgate regulations necessary to implement the provisions of that Act.

(b) *Purpose.* This part (1) establishes administrative procedures for imposing civil penalties and assessments against persons who make, submit, or present,

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or cause to be made, submitted, or presented, false, fictitious, or fraudulent claims or written statements to authorities or to their agents, and (2) specifies the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.

### § 13.2 Definitions.

As used in this part:

*ALJ* means an Administrative Law Judge in the authority appointed pursuant to 5 U.S.C. 3105 or detailed to the authority pursuant to 5 U.S.C. 3344.

*Authority* means the Nuclear Regulatory Commission.

*Authority head* means the Commission of five members or a quorum thereof sitting as a body, as provided by section 201 of the Energy Reorganization Act of 1974 (88 Stat. 1242).

*Benefit* means, in the context of “statement”, anything of value, including but not limited to any advantage, preference, privilege, license, permit, favorable decision, ruling, status, or loan guarantee.

*Claim* means any request, demand, or submission—

(a) Made to the authority for property, services, or money (including money representing grants, loans, insurance, or benefits);

(b) Made to a recipient of property, services, or money from the authority or to a party to a contract with the authority—

(1) For property or services if the United States—

(i) Provided such property or services;

(ii) Provided any portion of the funds for the purchase of such property or services; or

(iii) Will reimburse such recipient or party for the purchase of such property or services; or

(2) For the payment of money (including money representing grants, loans, insurance, or benefits) if the United States—

(i) Provided any portion of the money requested or demanded; or

(ii) Will reimburse such recipient or party for any portion of the money paid on such request or demand; or

(c) Made to the authority which has the effect of decreasing an obligation

to pay or account for property, services, or money.

*Complaint* means the administrative complaint served by the reviewing official on the defendant under §13.7.

*Defendant* means any person alleged in a complaint under §13.7 to be liable for a civil penalty or assessment under §13.3.

*Digital ID certificate* means a file stored on a participant's computer that contains the participant's name, e-mail address, and participant's digital signature, proves the participant's identity when filing documents and serving participants electronically through the E-Filing system, and contains public keys, which allow for the encryption and decryption of documents so that the documents can be securely transferred over the Internet.

*Electronic acknowledgment* means a communication transmitted electronically from the E-Filing system to the submitter confirming receipt of electronic filing and service.

*Electronic Hearing Docket* means the publicly available Web site which houses a visual presentation of the docket and a link to its files.

*E-Filing System* means an electronic system that receives, stores, and distributes documents filed in proceedings for which an electronic hearing docket has been established.

*Government* means the United States Government.

*Guidance for Electronic Submissions to the NRC* means the document issued by the Commission that sets forth the transmission methods and formatting standards for filing and service under E-Filing. The document can be obtained by visiting the NRC's Web site at <http://www.nrc.gov>.

*Individual* means a natural person.

*Initial decision* means the written decision of the ALJ required by §13.10 or §13.37, and includes a revised initial decision issued following a remand or a motion for reconsideration.

*Investigating official* means the Inspector General of the Nuclear Regulatory Commission or the Assistant Inspector General for Investigations, Office of the Inspector General.

*Knows or has reason to know* means that a person, with respect to a claim or statement—